

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SHELDON LOCKETT; MICHELLE) CASE NO.
DAVIS; AND CLYDE DAVIS,) 2:18-CV-5838-PJW

PLAINTIFFS,

VS.

COUNTY OF LOS ANGELES, A)
PUBLIC ENTITY; LOS ANGELES)
COUNTY SHERIFF'S)
DEPARTMENT, A LAW ENFORCEMENT)
AGENCY; SHERIFF JIM)
MCDONNELL; MIZRAIN ORREGO, A)
DEPUTY LOS ANGELES COUNTY SHERIFF;)
SAMUEL ALDAMA, A DEPUTY LOS)
ANGELES COUNTY SHERIFF; AND DOES 1)
THROUGH 100, INCLUSIVE,)

DEFENDANTS.

*** TRANSCRIPT SEALED PER COURT ORDER ***
VIDEOTAPED DEPOSITION OF DEPUTY ROGELIO BENZOR
LOS ANGELES, CALIFORNIA
MONDAY, MARCH 2, 2020

JOB NO. 3983123-1
REPORTED STENOGRAPHICALLY BY:
ELIZABETH SCHMIDT
CSR NO. 13598
PAGES 1 - 125

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ANGELES COUNTY SHERIFF; AND DOES 1)
THROUGH 100, INCLUSIVE,)

DEFENDANTS.)

VIDEOTAPED DEPOSITION OF DEPUTY ROGELIO
BENZOR, TAKEN ON BEHALF OF PLAINTIFF, AT 444 SOUTH
FLOWER STREET, SUITE 1800, LOS ANGELES, CALIFORNIA,
BEGINNING AT 10:20 A.M. AND ENDING AT 3:33 P.M., ON
MARCH 2, 2020, BEFORE ELIZABETH SCHMIDT, CERTIFIED
SHORTHAND REPORTER NO. 13598.

1 Q You've never seen it since that day?

2 A No. I -- I've seen the design, but I've
3 never seen the tattoo.

4 [REDACTED]

5 A [REDACTED] 11:30

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] 11:30

11 [REDACTED]

12 2 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q How many persons have that tattoo at the 11:30

16 Compton Station?

17 MR. ALTURA: I'll just object to the
18 extent that the answer to the question calls for the
19 disclosure of attorney-client information.

20 BY MR. SWEENEY: 11:31

21 Q How many persons that you know of have
22 that tatoo at Compton Station?

23 MR. ALTURA: I'll just object again on the
24 grounds that that answer may call for the disclosure
25 of attorney-client privileged information. 11:31

1 THE WITNESS: I can't say confidently. I
2 don't know, sir.

3 BY MR. SWEENEY:

4 Q Give me your best estimate.

5 A I don't have a estimate. 11:31

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A [REDACTED] 11:31

11 Q I'm going to ask you again.

12 MR. IVIE: So Counsel, let me just
13 clarify. How you instructed the witness I think is
14 inappropriate. The judge did not make any
15 particular ruling on any particular question that 11:32
16 may be put to this witness. He did not rule one way
17 or another on the question that you just asked,
18 which the witness I thought appropriately answered.

19 So I think your statement is an effort to
20 mislead and somewhat intimidate the witness. The 11:32
21 witness answered the question. So that's my
22 objection.

23 MR. SWEENEY: Okay. Thank you. All
24 right.

25 /// 11:32

1 BY MR. SWEENEY:

2 Q Do you know of any other deputy who has
3 this tattoo?

4 A I know --

5 MR. IVIE: Other than what you may have 11:32
6 learned from counsel. Do you have any knowledge
7 independent of anything that you may have been told
8 by counsel.

9 THE WITNESS: No.

10 BY MR. SWEENEY: 11:32

11 Q Isn't it true that the name of the group
12 of deputies who had that tattoo that's sitting
13 before you in Exhibit 51 is the Executioners?

14 MR. IVIE: Object to the question as
15 lacking foundation that there is a group, that that 11:33
16 group has a name.

17 THE WITNESS: So I've never heard the term
18 "Executioner."

19 BY MR. SWEENEY:

20 Q You've never heard of the term 11:33
21 "Executioners" in referring to a group of deputies
22 who have that tattoo?

23 MR. IVIE: Objection. No foundation that
24 there is a group, and there's no foundation that
25 there's a group specifically that is gathered around 11:33

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1 this particular tattoo.

2 But if you know the answer to the
3 question, you can answer it.

4 THE WITNESS: No. I've never heard that
5 term, sir. 11:33

6 BY MR. SWEENEY:

7 Q What is the name of the term -- strike
8 that.

9

10 11:33

11 MR. IVIE: Objection. That assumes a fact
12 that has not been established.

13

14

15 BY MR. SWEENEY: 11:34

16 Q No term for the group?

17 MR. IVIE: Again, objection. There's no
18 foundation that there's any group.

19 BY MR. SWEENEY:

20 Q Now, are you familiar -- you need some 11:34
21 more water?

22 A I got this one, sir. Thank you.

23 Q Are you familiar with the term sheriff --
24 Los Angeles County sheriff cliques?

25 A I've read about it, yes. 11:34

1 Q What did you read about them?

2 A The news articles.

3 Q Okay. In what paper?

4 A Several. Whichever one pops up, sir.

5 Q Okay. And you realize there have been 11:34

6 several cliques that have existed within the Los

7 Angeles County Sheriff's Department since the 1970s;

8 correct?

9 MR. IVIE: Object to the question as -- as

10 lacking foundation and assumes a fact that has not 11:35

11 been established.

12 THE WITNESS: Can you repeat the question.

13 BY MR. SWEENEY:

14 Q Yes. You've learned in reading the

15 articles that you mentioned that there have been 11:35

16 several cliques in the Los Angeles County Sheriff's

17 Department for many years going back to the '70s;

18 correct?

19 MR. IVIE: So object to the question. It

20 seeks to have the witness verify the truth of 11:35

21 articles that he may have read. That lacks

22 foundation.

23 BY MR. SWEENEY:

24 Q You can answer.

25 A I vaguely remember reading articles 11:35

1 talking about sheriff department cliques.

2 Q Talking about what?

3 A Sheriff department cliques.

4 Q You've heard the names like Vikings;

5 correct? 11:36

6 A I've heard that term.

7 Q Little Devils; correct?

8 A I've never heard that term.

9 Q Cavemen?

10 A I've heard that term. 11:36

11 Q Jump Out Boys?

12 A I've heard that term.

13 Q Vikings? I think you mentioned Vikings;

14 right?

15 A Yes. I've heard of most of those terms, 11:36

16 but I don't know anything about them.

17 Q Sure. I'm asking questions. You've heard

18 of the one in your area where you grew up termed as

19 the Banditos?

20 A I've recently heard about them. 11:36

21 [REDACTED]

22 [REDACTED]

23 MR. IVIE: Object. Counsel, there's been

24 no foundation that there is a group to which a name

25 could be attached. That question has been asked and 11:37

1 answered previously.

2 BY MR. SWEENEY:

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] 11:37

6 [REDACTED] ?

7 [REDACTED]

8 [REDACTED]

9 Q I'm going to represent to you -- strike
10 that.

11 Do you know Samuel Aldama?

12 A Yes.

13 Q When did you first meet Samuel Aldama?

14 A At Compton Station.

15 Q What year? 11:37

16 A 2015.

17 Q 2015?

18 A Yeah.

19 Q And I'm sure you know he testified there
20 are 10 to 20 deputies at the Compton Station that 11:37
21 had that tattoo.

22 MR. IVIE: Object to the question as
23 lacking foundation, asserts a fact that has not been
24 established regarding what the witness's knowledge
25 is or where he may have obtained it. So -- and I 11:38

1 would further object on the grounds that the
2 question may seek attorney-client -- may seek to
3 intrude to attorney-client communications.

4 If you answer that question, please do not
5 reference any information you may have obtained from 11:38
6 communications with your counsel. Do you understand
7 that?

8 THE WITNESS: Yes.

9 Can you repeat the question.

10 MR. IVIE: Can we have it read back, 11:38
11 please.

12 (Record read as follows:

13 "Question: And I'm sure you know
14 he testified there are 10 to 20
15 deputies at the Compton Station that
16 had that tattoo.")

17 BY MR. SWEENEY:

18 Q Did you know that?

19 A I read that in the article.

20 Q Do you agree with that? 11:39

21 A No.

22 Q Why don't you agree with that?

23 A Because there's no -- while I was there,
24 there's no evidence to -- to prove that.

25 Q Did you do a search? 11:39

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1 A No .

2 Q [REDACTED]

3 [REDACTED]

4 [REDACTED] .

5 [REDACTED] 11:39

6 A [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] 11:39

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED] 11:40

16 [REDACTED]

17 [REDACTED] [REDACTED] .

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] . 11:40

21 [REDACTED]

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25 [REDACTED] 11:40

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[REDACTED].

[REDACTED]

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[REDACTED] [REDACTED]

Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

11:41

11:41

11:41

But as far as to answer your question,

sir --

11:42

Q By the way, I'm going to object as being
nonresponsive. Please answer my question. Thank
you.

A Okay.

MR. IVIE: Well, let's have the

11:42

1 question -- do you remember the question?

2 THE WITNESS: Can I have it repeated back
3 to me?

4 MR. IVIE: Let's have the question read
5 back, please. 11:42

6 MR. SWEENEY: I'll rephrase it.

7 BY MR. SWEENEY:

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11:42

11 Q [REDACTED]

12 [REDACTED]

13 Q [REDACTED]

14 [REDACTED]

15 [REDACTED]

11:42

16 [REDACTED]

17 [REDACTED]

18 Q [REDACTED]

19 [REDACTED]

20 [REDACTED]

11:43

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

11:43

1 A [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] 11:43

6 [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] 11:43

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] . 11:44

16 [REDACTED]

17 A [REDACTED]

18 Q [REDACTED]

19 A [REDACTED]

20 [REDACTED] [REDACTED] 11:44

21 [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] .

25 [REDACTED] [REDACTED] 11:44

1 Q And what did that -- strike that.

2 And your testimony is you've never seen
3 that sticker before?

4 MR. ALTURA: Objection. Vague as to time.

5 BY MR. SWEENEY: 11:44

6 Q Before you saw the one on the outside of
7 the locker room?

8 MR. ALTURA: Objection. Vague as to time.

9 THE WITNESS: I'm unclear, sir. Can you
10 rephrase. 11:44

11 BY MR. SWEENEY:

12 Q Sure. Had you ever seen that sticker --
13 strike that.

14 How many times have you seen that sticker
15 on a locker at Compton Station? 11:45

16 A One sticker.

17 Q And you go in that locker room every day
18 when you were at Compton?

19 A Not every day.

20 Q How many days a week? 11:45

21 A Two times a week, three times a week.

22 Q For five years; correct?

23 A Yes.

24 Q And you saw that sticker one time;
25 correct? 11:45

1 A No. There is one sticker. And it has
2 been there.

3 Q Okay. When did you first notice that
4 sticker?

5 A Early 2015. 11:45

6 Q Did you ask anybody about that sticker
7 once you saw it?

8 A No.

9 [REDACTED]
10 [REDACTED] 11:46

11 MR. ALTURA: Objection. Assumes facts.

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 BY MR. SWEENEY: 11:46

16 [REDACTED]

17 [REDACTED]

18 Q [REDACTED]

19 [REDACTED]

20 [REDACTED] 11:46

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] 11:47

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Q Do you know if this is a group that is
known by captains, let's say, at the Compton
Station? If you know. If you know.
MR. IVIE: Objection. Assumes a fact not
established, and that is that there is some group.

11:47
11:47
11:48
11:48
11:49

1 The witness certainly hasn't testified that there
2 was a group.

3 MR. SWEENEY: I don't know how much more I
4 can establish. We have sworn testimony that there
5 are 10 to 15 -- 10 to 20 people in this group with 11:49
6 the same tattoo.

7 MR. IVIE: So this witness hasn't
8 confirmed that testimony as being part of his
9 knowledge.

10 MR. SWEENEY: You said that it was not 11:49
11 established.

12 MR. IVIE: It's not established.

13 MR. SWEENEY: Not by him, but by Aldama.

14 MR. IVIE: Well, there can be argument
15 about that. I'm not going to argue what you think 11:49
16 you may or may not have established with Aldama.
17 But with this witness and in your examination of
18 this witness, that fact has not been established
19 that there is a group, that there is a group that --

20 MR. SWEENEY: He hasn't admitted to a 11:50
21 group, Mr. Ivie, but it has been established there
22 is a group.

23 MR. IVIE: I disagree with you. But I'm
24 not going to go outside of the scope of this
25 testimony. With this witness you have not 11:50

1 established that fact. You have to establish a fact
2 that --

3 MR. SWEENEY: Those are my words, "a
4 group." I don't care what he calls it. Those are
5 my words. 11:50

6 MR. IVIE: Okay. So he does not have to
7 accept that in responding to your questions as being
8 a fact.

9 MR. SWEENEY: I'm not asking --

10 MR. IVIE: But you're asking that question 11:50
11 as though it were a fact.

12 MR. SWEENEY: All right. Let's move on.
13 Let's move on, Mr. Ivie.

14 BY MR. SWEENEY:

15 [REDACTED] 11:50

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q [REDACTED]

20 [REDACTED] 11:51

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] ? 11:51

1 sure, that's all I know.

2 Q You refreshed your recollection, you said,
3 yesterday with your report?

4 A Correct.

5 Q Okay. Let me show you -- next in order is 02:25
6 55.

7 THE COURT REPORTER: 54.

8 MR. SWEENEY: 54.

9 (Exhibit 54 was marked for identification.)

10 BY MR. SWEENEY: 02:26

11 Q Let me show you Exhibit 54. And before I
12 get to this document, let me ask you something.

13 A Yes.

14 [REDACTED]
15 [REDACTED] 02:27

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 A [REDACTED] 02:27

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED] 02:28

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Q Captain Thatcher was your captain for a
while at Compton; correct?
A Yes.
[REDACTED]
[REDACTED]
[REDACTED]
Q You never told him?
A No.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
MR. SWEENEY: What's that?
MR. IVIE: Objection. Lacks foundation,
vague and ambiguous. You said have you ever told
him that --
MR. SWEENEY: You made your objection.
[REDACTED]
[REDACTED]?
[REDACTED]

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[illegible]

BY MR. SWEENEY:

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[REDACTED]

[REDACTED].

Q [REDACTED]

[REDACTED]

[REDACTED]

02:31

[REDACTED]

[REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]?

02:31

MR. IVIE: [REDACTED]

[REDACTED]. Object to that.

It's lacking foundation. [REDACTED]

[REDACTED].

BY MR. SWEENEY:

02:31

Q [REDACTED]

t [REDACTED]

A [REDACTED]

[REDACTED]

[REDACTED]

02:32

Q How do you feel about African-Americans in general?

A The same as I feel about Hispanic-Americans and Caucasians.

Q How many African-American friends do you

02:32

1 A To the best of my recollection, sir.

2 Q Okay. All right. So how far was it from
3 MLK out to the shooting scene -- out to the scene
4 where the identification was to take place?

5 A As far as distance? 02:48

6 Q Yes.

7 A Three miles.

8 Q I'm sorry. What?

9 A Three miles.

10 Q Okay. What did you talk about? 02:48

11 MR. IVIE: Objection. You assume that
12 there was a conversation, Counsel.

13 MR. SWEENEY: I'm asking him.

14 THE WITNESS: What did I talk about with
15 who? 02:48

16 BY MR. SWEENEY:

17 Q With -- you were the only person in the
18 car with Immunique; right?

19 MR. IVIE: He has a radio. But again,
20 you're assuming that there was a conversation. 02:48

21 BY MR. SWEENEY:

22 Q What did you talk to about with Immunique
23 Ross in that conversation from King Hospital out to
24 the scene where she was to identify someone?

25 A Okay. I understand now. Nothing. 02:48

1 Q No small talk?

2 A We had a conversation in the emergency

3 room. She agreed to come with us. We got in the

4 car and I drove. It's a short drive.

5 Q Did you ask her any preliminary questions 02:49
6 about what the guy had on, what he looked like?

7 A No. I know the field pos-ID procedures
8 are real touchy, and I just didn't, you know, want
9 to participate other than transport.

10 Q Your report goes on to say: 02:49

11 "During the field showup, victim

12 Ross positively identified suspect

13 Lockett as the person who shot at

14 victim Cole and herself."

15 You wrote that? 02:49

16 A Yes.

17 Q And then it goes on to say:

18 "Victim Ross stated 'Hell yeah,

19 that's him. I put that on everything

20 that's him.'" 02:49

21 She said that?

22 A Yes.

23 Q Tell me her demeanor. Was she angry that
24 she was shot at?

25 A Her demeanor at the emergency room? 02:50

1 BY MR. SWEENEY:

2 Q But you were trained on how to document
3 and what you needed to document in the academy;
4 correct?

5 A Yes. 03:32

6 Q Do you feel that you lived up to your
7 teachings -- strike that.

8 Do you feel that you followed your
9 teachings that you learned in the academy on that
10 day? 03:32

11 A Yes. Absolutely.

12 Q Thank you. I have nothing further.

13 MR. IVIE: I have nothing further. Same
14 stipulation?

15 MR. SWEENEY: Same stip. Okay. 03:32

16 THE COURT REPORTER: So we'll handle the
17 transcript per the Federal Rules of Procedure. And
18 copy for the County?

19 MR. IVIE: Yes.

20 MR. ALTURA: Yes, please. 03:32

21 THE VIDEOGRAPHER: This completes today's
22 deposition. We're going off the record. The time
23 is 3:33 p.m.

24

25 (The deposition concluded at 3:33 p.m.)

1 I declare under penalty of perjury that the
2 foregoing is true and correct. Subscribed at
3 _____, California, this _____ day of
4 _____, 2020.

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DEPUTY ROGELIO BENZOR

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Certification of Court Reporter

Federal Jurat

I, the undersigned, Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [] was [] was not requested.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF I have hereunto subscribed my name on March 16, 2020.

A handwritten signature in dark ink, appearing to read "Elizabeth Schmidt". The signature is written in a cursive, flowing style.

Elizabeth Schmidt

CSR No. 13598